FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4376 OF 2005

Office notes, office Memoranda of appearances, Court's orders or directions & Registrar's orders.	: Coram, : : : :	Court's or Judge's Orders

Mr. S. M. Sabrat for the petitioner
Mr. V.Z. Kankaria for respondent

CORAM: SMT. RANJANA DESAI, J.
25/8/05

P.C.:-

In this writ petition order dated 14/3/05 passed by the Additional Sessions Judge, Niphad on Exhibit 30. in Misc. Civil Application No. 10/04 is challenged by the petitioner who is the husband. This application is filed by the respondent wife under the provisions of the Guardian and Wards Act for appointment of Guardian.

In this Misc. Civil Application No. 10/04 filed by the respondent, application Exh. 30 was filed by the petitioner/husband requesting the court that the issue regarding

jurisdiction be tried as a preliminary issue. That application has been rejected and hence this writ petition.

I have heard learned counsel appearing for the parties.

It is a fact that recording of evidence has already begun. Examination-in-chief of the respondent is over. The learned Judge has observed that the matter is on the verge of completion. He has also observed that the point raised can be effectively adjudicated at the final hearing only. Grant of this application will merely procrastinate the litigation.

In view of this no interference is necessary with the impugned order. Petition is rejected.

The learned counsel for the petitioner prays that ad-interim relief may be continued. This prayer is rejected.

Certified copy expedited.